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REMARKS

The application has been reviewed in light of the Office Action dated March 24, 2006. Claims 1-25 are pending. By this Amendment, claims 5 and 12 have been amended by rewriting the claims in independent form, and claims 1, 6, 8, 13, 14 and 20-23 have been amended to clarify that the claims are directed to statutory subject matter, without narrowing a scope of the claimed invention, and claims 1, 6 and 8 have been amended to clarify the claimed invention. The Office Action indicates that claims 2-4, 7, 9-11, 15-19, 24 and 25. Accordingly, claims 1, 5, 6, 8, 12-14 and 20-23 are presented for reconsideration, with claims 1, 5, 6, 8 and 12 being in independent form.

Claims 13, 14 and 20-23 were rejected under 35 U.S.C. §101 as purportedly directed to non-statutory subject matter.

By this Amendment, claims 13, 14 and 20-23 have been amended to clarify the claimed invention, without narrowing a scope of the claimed invention.

Withdrawal of the rejection under 35 U.S.C. §101 is requested.

Claims 1, 6 and 8 were rejected under 35 U.S.C. § 102(b) as purportedly anticipated by JP11-122490 (Kazumasa).

Applicant has carefully considered the Examiner's comments and the cited art, and respectfully submits that independent claims 1, 6 and 8 are patentable over the cited art, for at least the following reasons.

This application relates to performing appropriate shading correction of image data by utilizing standard shading correction data from reading a white plate. However, if there is dirt on the white plate or somewhere in the optical path, degraded image data may be obtained from reading the white plate.

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Applicant found that this problem can be overcome by an approach in which before an image of an original document is read, a predetermined value corresponding to a peak value of standard shading data (for example, the peak value, or  $0.9 \times$  peak value, etc.) is set as the standard shading data for a pixel that is determined to be abnormal. Each of independent claims 1, 6 and 8 addresses these features, as well as additional features.

Kazumasa, which is discussed in the Background section of this application, proposes an approach wherein for an abnormal pixel data determined to be caused by dirt on the white plate, the shading correction data for the pixel found to be abnormal is corrected to be a combination of shading correction data of adjoining pixels (see Kazumasa, paragraph [0014]), and for a detected abnormal pixel which is determined to be caused by factors other than dirt on the white plate, the image data for the abnormal pixel is adjusted to be a combination of the image data of adjoining pixels.

In contrast, independent claim 1 of the present application provides that before an image of an original document is read, a predetermined value corresponding to a peak value of standard shading data (for example, the peak value, or  $0.9 \times$  peak value, etc.) is set as the standard shading data for a pixel that is determined to be abnormal. Kazumasa neither discloses nor suggests this feature, and therefore claim 1 is patentable thereover.

Independent claims 6 and 8 are patentably distinct from the cited art for at least similar reasons.

Accordingly, for at least the above-stated reasons, Applicant respectfully submits that independent claims 1, 6, and 8, and the claims depending therefrom, are patentable over the cited art.

The Office Action indicates that claims 2-4, 7, 9-11, 15-19, 24 and 25 are allowed.

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Applicant appreciates the Examiner's statement of reasons for allowance in the Office Action and submits that the allowed claims recite subject matter which further supports patentability for reasons in addition to those identified in the Examiner's statement of reasons for allowance in the Office Action.

The Office Action indicates that claims 5 and 12 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this Amendment, claims 5 and 12 have been amended by rewriting the claims in independent form including all of the limitations of the base claim and any intervening claims.

In view of the amendments to the claims and remarks hereinabove, Applicant submits that the application is now in condition for allowance. Accordingly, Applicant earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,

  
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